

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **35**

SUBJECT: Ordinance No. 2446. Consideration of a Major Modification (amendment) to the Development Agreement between the City of North Las Vegas and November 2005 Land Investors, LLC and DRHI, Inc. dated as of May 3, 2006 as amended.

REQUESTED BY: November 2005 Land Investors, LLC and DRHI Inc.

RECOMMENDATION OR RECOMMENDED MOTION:
It is recommended that on May 7, 2008, City Council introduce Ordinance No. 2446 and approve Ordinance No. 2446 on May 21, 2008.

FISCAL IMPACT:

Amount: \$
Explanation:

ACCOUNT NUMBER:

STAFF COMMENTS AND BACKGROUND INFORMATION:

Attached are the proposed amendments to the Development Agreement, Development Standards, and Design Guidelines proposed by November 2005 Land Investors, LLC and DRHI, Inc. The Development Agreement was originally approved on May 3, 2006.

The proposed amendments are detailed in the attached memorandum and exhibits. No casino will be approved with this Major Modification request. Any specific casino will require subsequent applications for consideration.

Generally, the land use map is proposed to be amended as described in the attached memorandum and Exhibit "A" of Ordinance No. 2446. The site designated for Regional Commercial with Resort Overlay at the northwest corner of Losee Road and the 215 Beltway would be expanded, a portion of the land designated for Medium High Density Residential and Mixed Use would be converted to Regional Commercial, and Parcel 3.14 would be converted from Medium Low Density Residential to Medium Density Residential.

Several text amendments are also proposed to the Development Agreement, the Development Standards, and the Design Guidelines to be consistent to the proposed changes in the land use plan. These include development parcel number re-designations, revisions to the Shops, Village, and Neighborhood area map, and other minor modifications.

The applicant has filed nine associated development applications which are scheduled for the May 28th Planning Commission agenda. These are detailed on pages two and three.

LIST CITY COUNCIL GOAL(S):
Planned and Quality Growth

PREPARED BY:



Frank Fiori, AICP
Acting Planning and Zoning Director

**RESPECTFULLY
SUBMITTED:**



Gregory E. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**

May 7, 2008

Park Highlands List of Development Applications associated with Major Modification Request:

1. **AMP-05-08:** An application submitted by BCO Gaming LLC, on behalf of November 2005, LLC, property owner, for an amendment to the Master Plan of Streets of Highways to realign Collette Street and Severance Lane. The property is located north of Elkhorn Road and west of Losee Road.
2. **GED-02-08:** An application submitted by BCO Gaming, LLC, on behalf of November 2005 Land Investor, LLC, property owner, for a petition to establish a Gaming Enterprise District. The property is located at the northwest corner of Losee Road and the 215 Beltway.
3. **UN-50-08:** An application submitted by BCO Gaming LLC, on behalf of November 2005 Land Investors, LLC, property owner, for a special use permit in an RZ13/MPC, Residential Zone up to 13 dwelling units per acres/Master Planned Community and C-2/MPC, General Commercial District/Master Planned Community (Proposed PUD/MPC, Planned Unit Development District/Master Planned Community) to allow a hotel/casino. The property is located at the northwest corner of Losee Road and the 215 Beltway.
4. **ZN-13-08:** An application submitted by BCO Gaming LLC, on behalf of November 2005 Land Investors LLC, property owner, for a reclassification of property from RZ13/MPC, Residential Zone up to 13 dwelling units per acre/Master Planned Community and C-2/MPC, General Commercial District/Master Planned Community to PUD/MPC, Planned Unit Development District/Master Planned Community. The property is located at the northwest corner of Losee Road and the 215 Beltway.
5. **ZN-14-08:** An application submitted by BCO Gaming, LLC, on behalf of November 2005 Land Investors, LLC, property owner, for a reclassification of property from RZ13/MPC, Residential Zone up to 13 dwelling units per acre/Master Planned Community, PSP/MPC, Public Semi-Public/Master Planned Community and MUZ/MPC, Park Highlands Mixed Use Center/Master Planned Community to C-2/MPC, General Commercial District/Master Planned Community. The property is generally located at the northwest corner of Losee Road and the 215 Beltway.
6. **ZN-15-08:** An application submitted by BCO Gaming LLC, on behalf of November 2005 Land Investors LLC, property owner, for a reclassification of property from MUZ/MPC, Park Highlands Mixed Use Center/Master Planned Community and RZ13/MPC, Residential Zone up to 13 dwelling units per acre/Master Planned Community to PSP/MPC, Public-Semi Public/Master Planned Community. The property is located north of Elkhorn Road and west of Losee Road.
7. **ZN-16-08:** An application submitted by BCO Gaming LLC, on behalf of November 2005 Land Investors LLC, property owner, for a reclassification of property from MUZ/MPC, Park Highlands Mixed Use Center/Master Planned Community to PSP/MPC, Public-Semi Public/Master Planned Community. The property is located north of Elkhorn Road and west of Losee Road.

Ordinance 2446
Park Highlands Development Agreement
Amended Development Agreement
May 7, 2008
-Page 3-

8. **ZN-17-08:** An application submitted by BCO Gaming LLC, on behalf of November 2005 Land Investors LLC, property owner, for reclassification of property from RZ6/MPC, Residential Zone up to 6 dwelling units per acre/Master Planned Community to RZ10/MPC, Residential Zone up to 10 dwelling units per acre/Master Planned Community. The property is located north of Elkhorn Road and west of Losee Road.
9. **ZN-18-08:** An application submitted by BCO Gaming LLC, on behalf of November 2005 Land Investors LLC, property owner, for a reclassification of property from RZ13/MPC, Residential Zoning up to 13 dwelling units per acre/Master Planned Community to C-2/MPC, General Commercial/Master Planned Community. The property is located at the northwest corner of Losee Road and the 215 Beltway.

Attachments:

Ordinance 2446
Memorandum on Major Modification and Attachments
Major Modification Request Letter and Attachments

ORDINANCE NO. 2446

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING ORDINANCE NO. 2267 REGARDING THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND NOVEMBER 2005 LAND INVESTORS, LLC AND DRHI, INC. FOR THE DEVELOPMENT OF APPROXIMATELY 2,675 ACRES AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS §§ 278.0201-278-0207, the City Council of the City of North Las Vegas enacted NLVMC §15.56 providing for the utilization of development agreements to regulate land development; and,

WHEREAS, on November 16, 2005, November 2005 Land Investors, LLC and DRHI, Inc., purchased approximately 2,675 acres± of land within the incorporated boundaries of the City of North Las Vegas from United States Bureau of Land Management; and

WHEREAS, the City Council of the City of North Las Vegas adopted a development agreement on May 3, 2006, for development of that certain property within the City of North Las Vegas; and

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA, DOES ORDAIN:

SECTION 1: DEVELOPMENT AGREEMENT. The Development Agreement between the City of North Las Vegas and November 2005 Land Investors, LLC and DRHI Inc. is hereby amended as shown in Exhibit "A" as attached hereto, and as follows:

1. All references in Section 2.11(a) to Parcel 4.07 shall be amended to read Parcel 4.08.
2. All references in Section 2.11(a) to Parcel 4.09 shall be amended to read Parcel 4.09A.
3. The land use map in Exhibit "B" of that certain development agreement titled "L02 Land Use Concept East Parcel" shall be amended.

SECTION 2: DEVELOPMENT STANDARDS AND DESIGN GUIDELINES. The Development Standards and Design Guidelines negotiated between the City of North Las Vegas and November 2005 Land Investors, LLC and DRHI, Inc. as approved on July 26, 2007, is hereby amended as shown in Exhibit "B" as attached hereto, and as follows:

1. All references in the Development Standards and Design Guidelines to Parcel 4.07 shall be amended to read Parcel 4.08.
2. All references in the Development Standards and Design Guidelines to Parcel 4.09 shall be amended to read Parcel 4.09A.
3. All exhibits in the Development Standards and Design Guidelines shall be amended according to Exhibit "B" of that certain development agreement titled "L02 Land Use Concept East Parcel."

SECTION 3: CONDITIONS OF APPROVAL. This Major Modification to that certain development agreement shall be subject to the following conditions of approval:

1. A master transportation plan update with modeling containing 20-year projections will be required prior to submittal of the civil improvement plans for the eastern Park Highland's 2074 acre parcel.
2. Approval of a conceptual drainage study update is required prior to submittal of the technical drainage studies or civil improvement plans for the eastern Park Highland's 2074 acre parcel.
3. An update to the 2,074 Acre Site - Water Masterplan will be required to be submitted and approved prior to the submittal of infrastructure and/or civil improvement plans.
4. An to the update 2,074 Acre Site - Wastewater Masterplan will be required to be submitted and approved prior to the submittal of infrastructure and/or civil improvement plans

SECTION 4: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the North Las Vegas City Attorney's Office as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any right, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 5: SEVERABILITY. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect remaining provisions of this ordinance.

SECTION 6: REPEALER. All ordinances, parts of ordinances or chapters, sections or paragraphs contained in the North Las Vegas Municipal Code in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provision of Chapter 238 of NRS, as amended from time to time.

SECTION 8: PUBLICATION. The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____ 2008.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

MICHAEL L. MONTANDON, MAYOR

ATTEST:

KAREN L. STORMS, CMC, CITY CLERK

Exhibit "A"
Development Agreement Amendment

2.11 Permitted Uses and Prohibited Uses. The Master Planned Community provides the City with a well-integrated, quality community with an appropriate and harmonious mix of residential, commercial, open space, recreational and public uses.

(a) Permitted Uses. There are certain uses that the Developer proposes to be placed in commercial and residential parcels that would otherwise require a special use permit. Because a Planned Community requires a mixture of uses to serve the community, the City and Developer agree that such certain uses should be permitted provided Developer complies with Section 2.11(d). The list of permitted uses as set forth below does not preclude the Developer from applying for special use permits as set forth in the Code, with the exception of those uses specified in 2.11(e). Developer agrees that the permitted uses set forth below are subject to the Development Standards and Design Guidelines, and site plan review process.

WEST PARCEL	PERMITTED USES
1.1	Automobile Washing Establishment, drive through, self-service or hand wash Banks Convenience Food Restaurant Convenience Store with gas pumps Mini Warehousing Supper Club Tavern/Restaurant
2.7	Banks Convenience Food Restaurant Convenience Store with gas pumps Supper Club

EAST PARCEL	PERMITTED USES
1.13	Automobile Service Facility Automobile Washing Establishment, drive through, self service or hand wash Banks Child Care Facilities Convenience Food Restaurant Convenience Store with gas pumps Mini Warehousing Saloon Supper Club Tavern/Restaurant
2.10	Automobile Service Facility Banks Convenience Food Restaurant Mini Warehousing

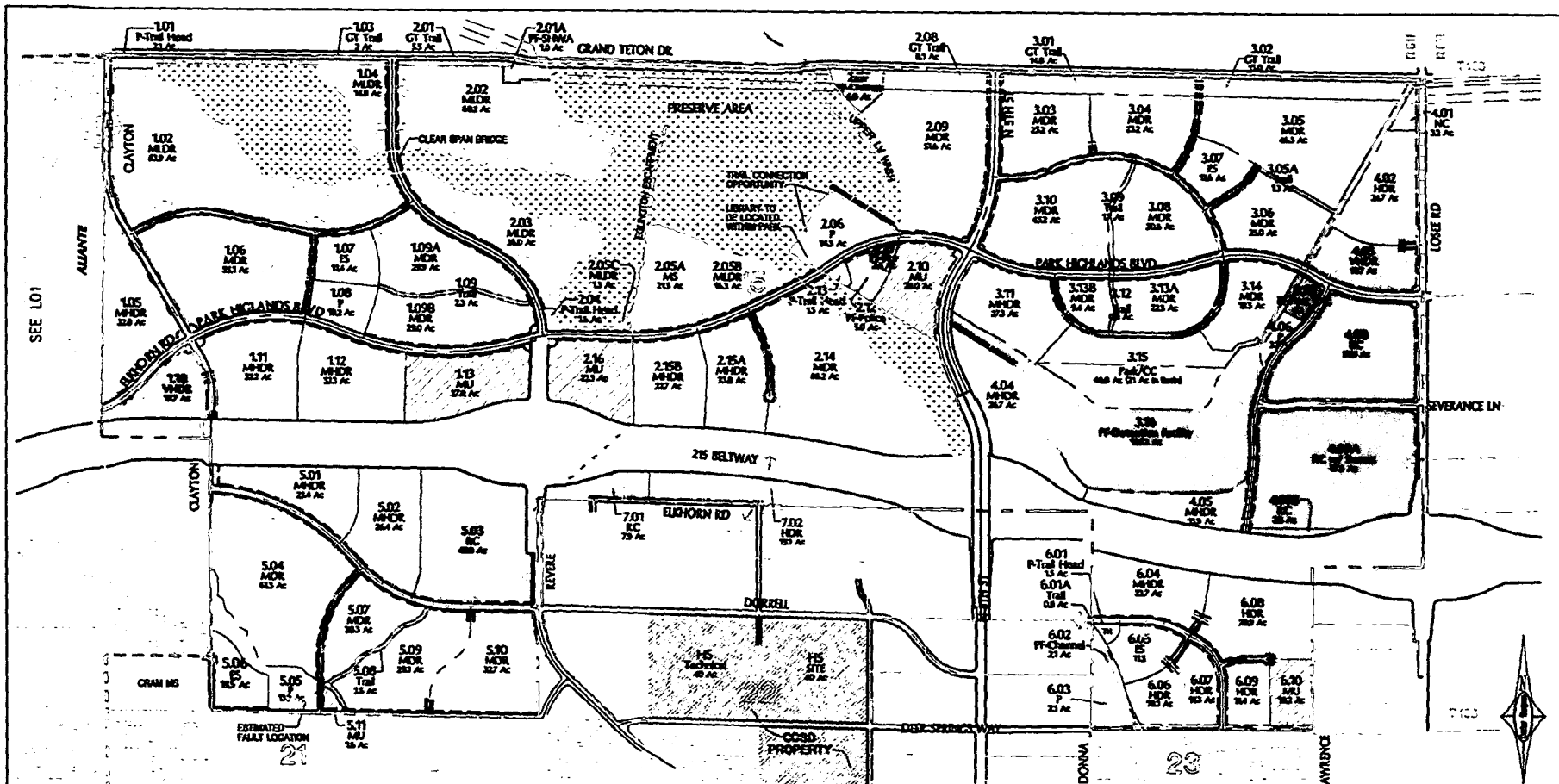
	Supper Club Tavern/Restaurant
2.16	Automobile Service Facility Automobile Washing Establishment, drive through, self-service or hand wash Banks Child Care Facilities Convenience Store with gas pumps Mini Warehousing Saloon Supper Club Tavern/Restaurant
4.01	Automobile Washing Establishment, drive through, self service or hand wash Banks Convenience Food Restaurant Convenience Store with gas pumps Mini Warehousing Supper Club Tavern/Restaurant
4.07 4.08	Automobile Service Facility Automobile Washing Establishment, drive through, self service or hand wash Banks Child Care Facilities Convenience Food Restaurant Convenience Store with gas pumps Mini Warehousing Supper Club
4.09 4.09A	Automobile Service Facility Automobile Washing Establishment, drive through, self service or hand wash Banks Child Care Facilities Convenience Food Restaurant Convenience Store with gas pumps Mini Warehousing Saloon Supper Club Tavern/Restaurant
5.03	Automobile Service Facility Automobile Washing Establishment, drive through, self service or hand wash Banks

	Child Care Facilities Convenience Food Restaurant Convenience Store with gas pumps Light Equipment Rental with exterior storage or display Nurseries for retail sale of plants and related materials Saloon Supper Club Tavern/Restaurant
5.11	Automobile Washing Establishment, drive through, self service or hand wash Banks Child Care Facilities Convenience Food Restaurant Convenience Store with gas pumps
6.10	Banks Child Care Facilities Convenience Food Restaurant Supper Club Tavern/Restaurant
7.01	Mini Warehousing

(b) Churches and Schools. The City and Developer agree that churches located on parcels not larger than five (5) acres and not more than one (1) story in height, and private schools (K through 12) located on parcels not larger than five (5) acres and not more than one (1) story in height are allowed on any residential, commercial or mixed use parcels within the Planned Community. A special use permit will be required for churches and/or private schools that exceed the maximum acreage or height listed above.

(c) Proximity Restrictions. Any proximity restrictions specified in Title 5 and Title 17 between Alcohol Related Uses and a Developed Residential District shall be waived to the extent those Alcohol Related Uses are enumerated in Section 2.11(a). Additionally, all proximity restrictions specified in Title 5 and Title 17 between Alcohol Related Uses and other Alcohol Related Uses and between Alcohol Related Uses and parks and/or schools are waived to the extent these Alcohol Related Uses are located on mixed-use parcels within the Planned Community. Developer agrees it will not request a waiver of the proximity restriction between any Alcohol Related Uses and schools on non mixed-use parcels. Developer agrees that City may use this Section of this Agreement as a defense to any attempt to request such proximity waiver on non mixed-use parcels in the Planned Community.

(d) Notice. Developer agrees to provide notice of the permitted uses set forth in Section 2.11(a) to each purchaser of a residential Dwelling Unit within the Planned Community. Such notice shall be provided in a format and with language that is approved by the City Manager. The City Manager shall have thirty (30) days from date of submittal to review and provide



2,675-ACRE MASTER-PLANNED COMMUNITY

NOVEMBER 2005 LAND INVESTORS, LLC/ D R H I, INC

LEGEND

	BLM AUCTION BOUNDARY		ST LOT'S W/ VIEW FENCE, MINIMUM SIZE		MIXED USE UP TO 30 DU/AC		P: PARIS NEIGHBORHOOD, COMMUNITY, SUB, TRAILHEAD
	DETENTION BASIN		MED: MEDIUM/LOW DENSITY UP TO 6 DU/AC		NO: NEIGHBORHOOD COMMERCIAL		GRAND TETON TRAIL CORRIDOR
	PRESERVE AREA		MED: MEDIUM DENSITY UP TO 10 DU/AC		RD: REGIONAL COMMERCIAL		TRAIL CORRIDOR
	PRESERVE BOUNDARY		MED: MEDIUM/HIGH DENSITY UP TO 15 DU/AC		RD: REGIONAL COMMERCIAL W/ RESORT OVERLAY		STREETSCAPE BUFFER (PAVEMENT, INCLUDES SIDEWALK)
	PRESERVE BOUNDARY W/ RESTRICTIONS		HDR: HIGH DENSITY UP TO 25 DU/AC		PP: PUBLIC FACILITY (E.G. POLICE, FIRE, POST OFFICE, CHURCH, UTILITIES)		MONUMENT AREA
			WDR: HIGH DENSITY UP TO 30 DU/AC		SCHOOL: ES - ELEMENTARY MS - MIDDLE		PROPOSED ENTRY
							PROPOSED NEIGHBORHOOD OR PEDESTRIAN CONNECTION

NOTE: AREAS ARE GROSS ACRES

LAND USE CONCEPT EAST PARCEL

Carter Burgess

Overseer of Planning, Engineering, Construction Management and Related Services
6855 Rembrandt Road
Las Vegas, Nevada 89120
702 488-6427 Fax 702 488-6464



1"=1200'

March 31, 2006
(Revised March 2006)

FIGURE
L02

Exhibit "B"
Development Standards and Design Guidelines
Amendment

Master Development



PARCEL AREAS

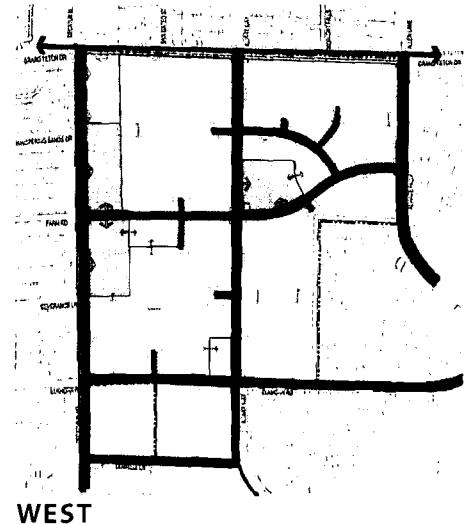
In keeping with the overall project vision the civic functions including post offices, municipal police, fire stations, churches, schools, parks, and utility open spaces will be placed throughout all three areas.

The Master Developer or Builder may request a Minor Modification to reduce density for an entire residential parcel, with a condition that states a Minor Modification of the entire parcel shall be effective at time of recordation of first final map which complies with the reduced density. A Tentative Map on the entire parcel to establish gross density may be filed concurrent with Minor Modification application.

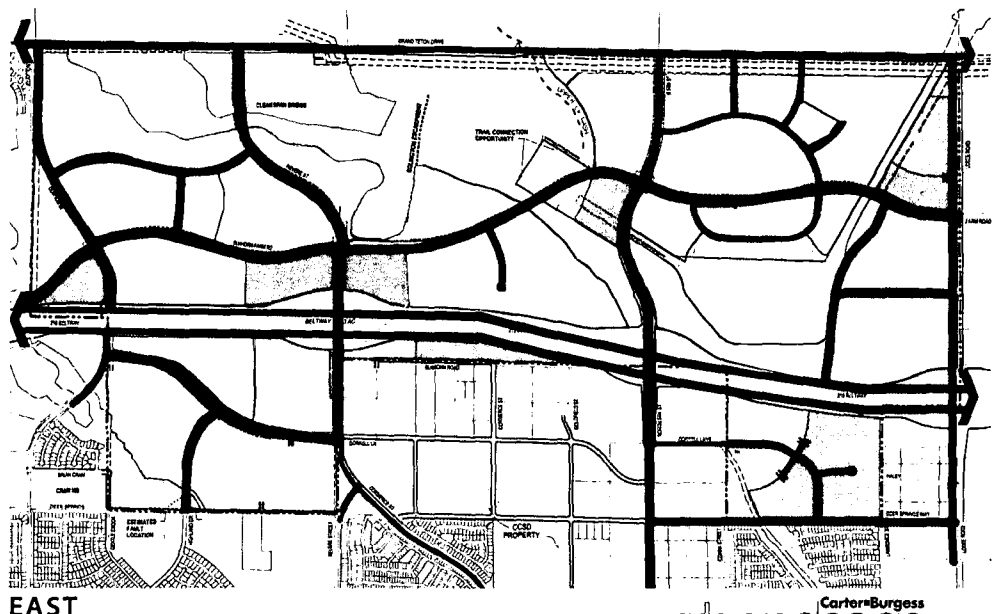
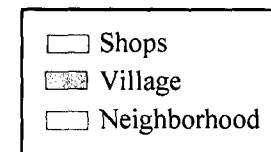
THE SHOPS – As designated on the Land Use plan, consists of Neighborhood Commercial (NC), Regional Commercial (RC) and Resort will require GED and Use Permit applications and be subject to Title 17 and NRS requirements. No residential development is allowed in The Shops unless allowed by a Minor Modification.

THE VILLAGE – As designated on the Land Use plan, consists of High Density Residential (HDR), Very High Density Residential (VHDR), and Mixed Use (MU). Single family detached homes are not allowed in zone districts RZ-25 and RZ-50 unless allowed through the above Minor Modification process.

THE NEIGHBORHOOD – As designated on the Land Use plan, consists of single family lots, Medium-Low Density Residential (MLDR), Medium Density Residential (MDR), and Medium-High Density Residential (MHDR).



WEST



EAST

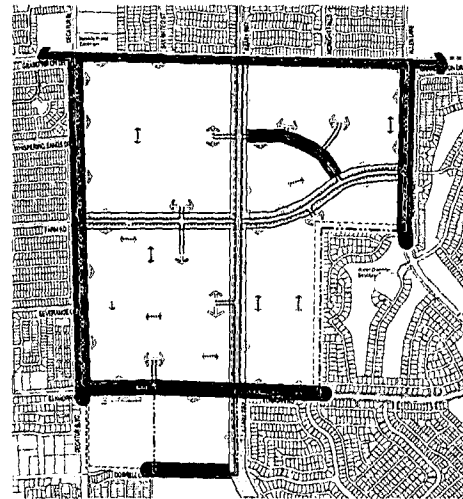
urbandesign
Carter-Burgess

CIRCULATION

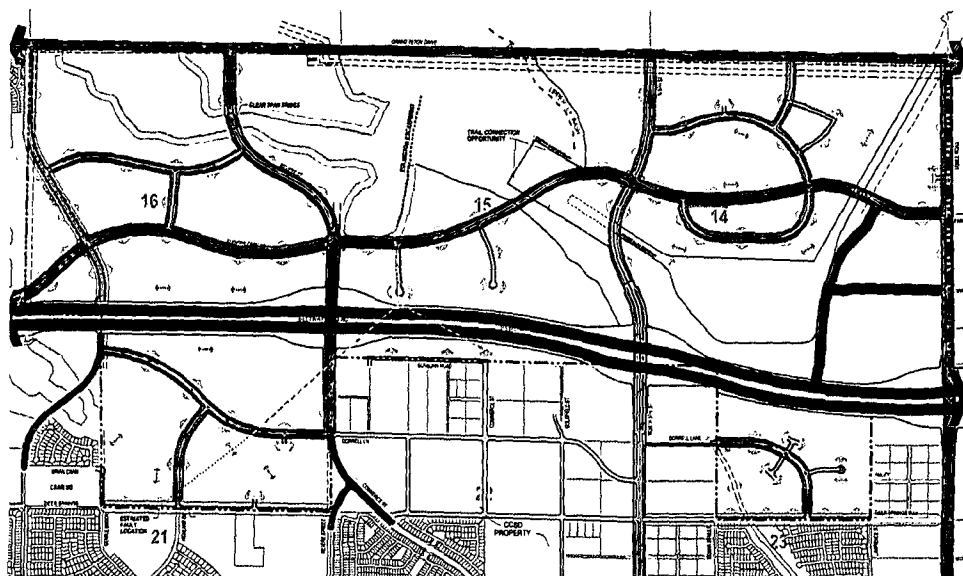
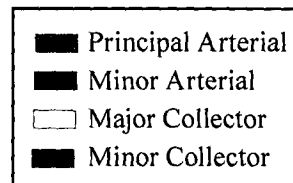
STREET NETWORK

The streets of Park Highlands shall provide a strong sense of place and contribute to the social life of the community. Park Highlands' street network is designed not only to move traffic, but also extend and enrich this new community's network of pedestrian Pathways and bike lanes. In addition, streets within Park Highlands are designed as pedestrian-friendly urban places promoting day and evening activity. Walkways that are detached from the curb at all Arterial and Collector streets in Park Highlands reinforce the importance of the pedestrian experience. Refer to pages 27-31 for Arterial and Collector street condition diagrams.

The purpose of this section is to provide guidelines for the intended design hierarchy of streets, streetscapes and intersection enhancements responsive to the type and character of adjacent land use. This will reflect a community experience as a connective sense of place. More specifically, the plan defines various street types within the new community. For additional details, refer to the Development Standards.



WEST



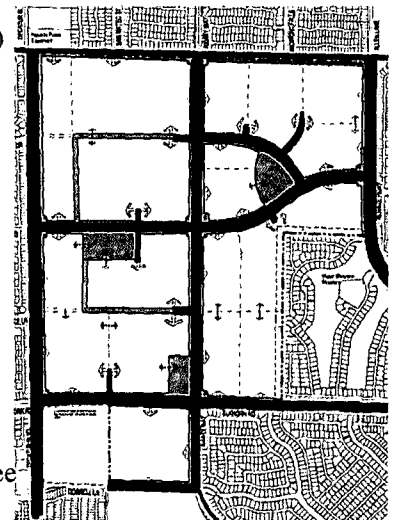
EAST

Master Development

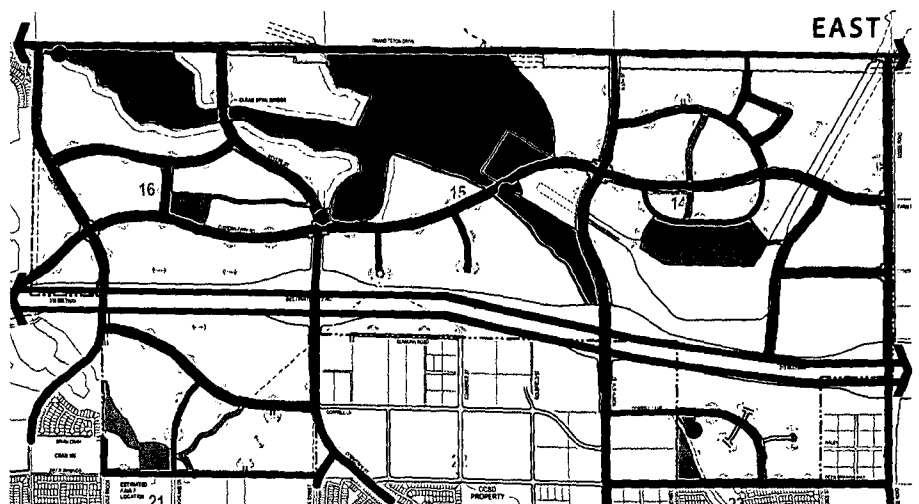
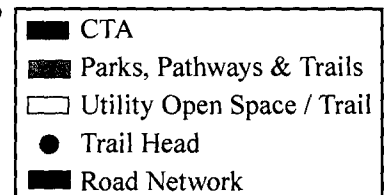


CTA, PUBLIC PARKS, PATHWAYS, TRAILS, UOS AND TRAIL HEADS

- The **CTA** (Conservation Transfer Area), also known as the “Preserve”, is approximately 300 acres. It will be left largely undeveloped and utilized as a significant natural amenity to the community. Housing two special plant species and paleontological resources, it will serve not only as a connector with trails to various parts of the community, but as a preserve and assist in public education. Access to the CTA will occur at the designated Trail Heads with the approved Land Plan and will comply with the requirements of the CTA Agreement. The developer has no obligation to build CTA trails, but will institute an educational program within the adjacent Trail Heads on the sensitivity of the preserve.
- **Public Parks** are larger destination parks that house amenities, including but not limited to, lighted sports fields and game courts and other specialized recreational facilities such as lighted picnic facilities, skate parks and playgrounds, dog parks, community gardens and spray parks. Special consideration has been given in locating the parks within the Master Planned Community, which range in size from 3.4 acres to 40 acres, to ensure equitable distribution throughout the entire community. Parks shall be required to be open on three sides, with either a street or view fence on each of these three sides.
- **Pathways** are linear areas located adjacent to arterial and collector streets, which consists of 5' concrete walkway on collector streets and 8' concrete walkway on arterial streets, landscaping on both sides of the walkway and Pathway amenities including but not limited to signage, benches, drinking fountains, dog stations and trash receptacles.
- **Trails** are the linear areas not adjacent to a street that may follow natural features such as washes, ridge lines, flood control facilities and utility rights of way. Trails consist of, but are not limited to, 12' concrete walkway, landscaping on both sides of the walkway and trail amenities such as signage, benches, recreational nodes, drinking fountains, dog stations and trash receptacles. The developer is to provide a study by a licensed professional engineer to demonstrate a safe at grade pedestrian crossing of Farm Road. The study must be approved by the City Manager. If not approved by the City Manager, a pedestrian tunnel (or bridge) will be built by the developer with a 50/50 cost sharing arrangement with CNLV.
- **UOS** (Utility Open Space) are areas designated for utility corridors that include open space / trail joint usage. Utility Open Space areas will include a 50' wide trail section to meet the trail requirements as shown below. Where necessary, UOS areas, exclusive of the 50' wide trail trail, at a minimum, will be re-vegetated back to it's natural state.
- **Trail Heads** are sites located at the start and end of trails and provide recreational amenities for public use. The Trail heads include parking areas, rest rooms, drinking fountains, picnic areas, recreational activities and directional and information signs.



WEST



EAST

COMMUNITY DESIGN

STREET TERMINI

In order to strengthen visual corridors, buildings in Park Highlands shall be massed and articulated to serve as terminuses to all primary streets. No surface parking or unarticulated building wall shall terminate any street corridor.

INTERSECTIONS

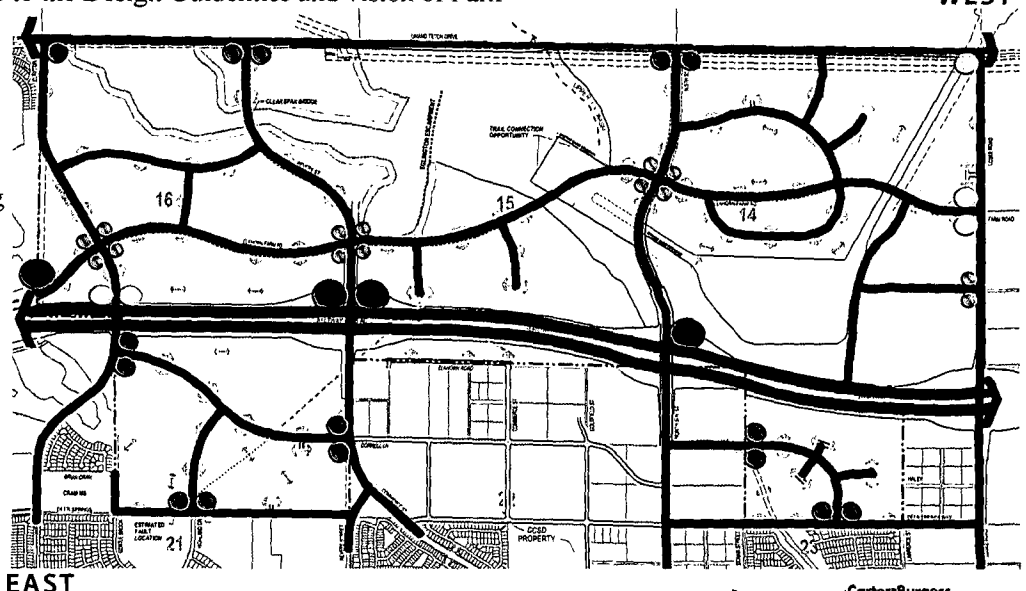
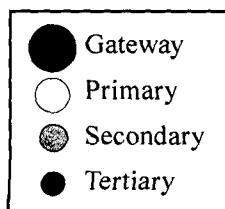
To reinforce an experiential transportation framework for both pedestrian and vehicular traffic in Park Highlands, special consideration should be given to design treatments at key intersections. Punctuation and accentuation at such crossroads offers Park Highlands traffic the chance to celebrate and engage in significant crossing nodes / points of entry, rather than simply pass through them. The design treatments of infrastructure elements in any development are decisive communicators of the overall development image, demonstrating success and thoughtful design vision to residents and patrons alike.

The following pages describe the treatments of each key intersections in Park Highlands. All elements of intersection design shall be reviewed and approved by the Architectural Review Committee (ARC) prior to submittal to the City of North Las Vegas.

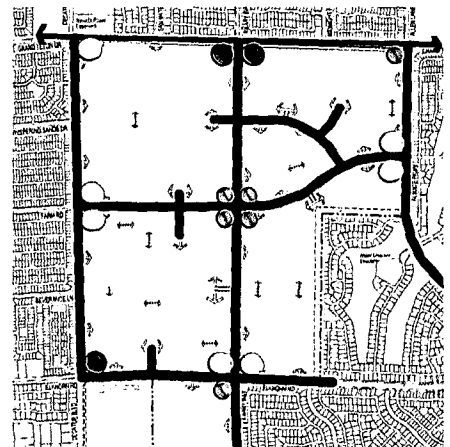
INTERSECTION MONUMENTATION

Monumentation identifies places of significance within a community. In order to promote a comprehensive sense of place throughout Park Highlands, the four types of monumentation – Gateway, Primary, Secondary and Tertiary – shall relate to each other in style and form. In addition, they shall adhere to the Design Guidelines and vision of Park Highlands. The following pages describe these minimum required monumentation points.

Enhancement diagrams on the following pages are shown on corners. See parcel diagrams on this page for actual corner utilization.



MODERN SPANISH ECLÉCTIC - STREET TERMINUS



WEST

EAST

BUILDING HEIGHT

OFFICE, RETAIL AND RESORT BUILDING

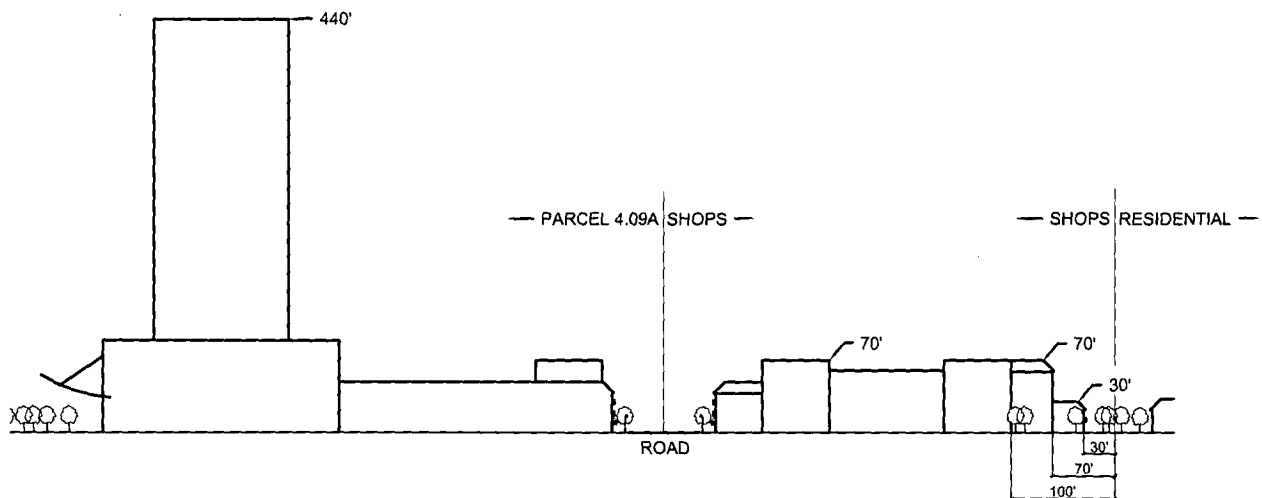
Heights in The Shops shall be 22' minimum to top of parapet or bottom of roof eave.

MAXIMUM BUILDING HEIGHT REQUIREMENTS

- Maximum building height measurements are as defined by the City of North Las Vegas.

THE SHOPS MAXIMUM BUILDING HEIGHT CRITERIA TABLE	
CRITERIA	ZONING: C1 (MPC) AND C2 (MPC)
MAIN STRUCTURE	70' TYPICAL PARCEL 4.09A OF LAND USE PLAN - 440' ADJACENT TO RESIDENTIAL - 70' WITH 1:1 SETBACK

SHOPS PARCEL / NEIGHBORHOOD HEIGHT DIAGRAM



BUILDING MASSING, SCALE & FORM

Box-like or single, monolithic forms that are not relieved by variations in massing of facades are not acceptable. The perceived height and bulk of buildings shall be reduced by dividing the building mass into smaller scale components. Buildings must incorporate jogs, offsets or other architectural features to reduce the visual length of long walls. Variety and/or variation of roof lines is required to reduce the apparent size of commercial buildings and provide visual interest. Building surfaces over two stories high or fifty (50) feet in length must be relieved with a change of wall plane that provides strong shadow and visual interest.

Perceived height and bulk can be reduced by dividing building mass into small scale components. A recessed courtyard is an effective way of dividing building mass into smaller parts.

Buildings shall be compatible with the scale of development allowed by the applicable land uses for the surrounding area as established at the time of application, and shall be sited and designed to provide a sensitive transition to nearby, less intensive, areas.

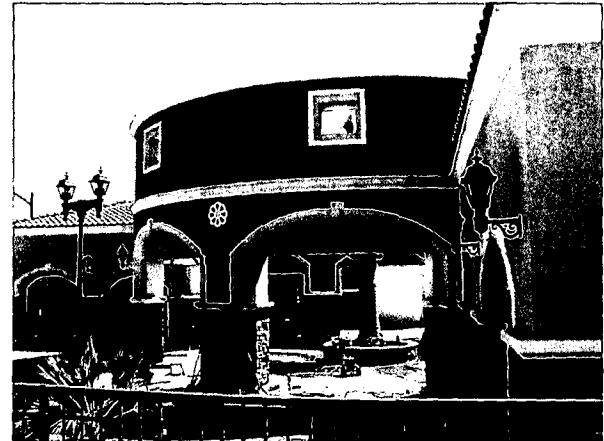
Projects on the edges of zoning districts shall be developed in a manner which minimizes the adverse impacts resulting from incongruous height, bulk and scale of large buildings. Alternatives to mitigate such impacts include, but are not limited to, careful siting and design, additional building setbacks or stepping back of upper floors, and the actual physical reduction of the height, bulk and scale of a project.

Stepping back upper floors is one method of reducing the negative impacts of incongruous height, bulk and scale of larger buildings.

If the parcel designated as RC 4.09A is developed with a casino, the aforementioned standards with respect to scale, massing and form may not be applicable as they could potentially impact the expression and creativity of the design. Therefore, while meeting the architectural character, the final design will occur through the City site plan review process.



MODERN MISSION



MODERN MEDITERRANEAN

PARCEL AREAS

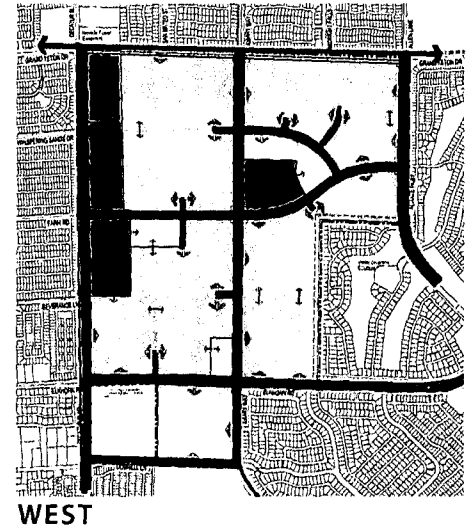
In keeping with the overall project vision the civic functions including post offices, municipal police, fire stations, churches, schools, parks, and utility open spaces will be placed throughout all three areas.

The Master Developer or Builder may request a Minor Modification to reduce density for an entire residential parcel, with a condition that states a Minor Modification of the entire parcel shall be effective at time of recordation of first final map which complies with the reduced density. A Tentative Map on the entire parcel to establish gross density may be filed concurrent with Minor Modification application.

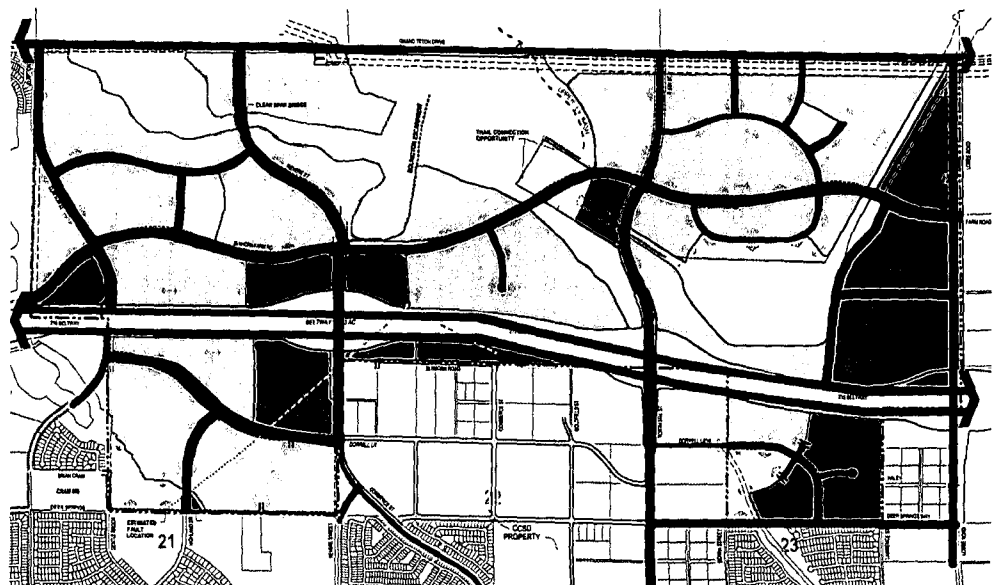
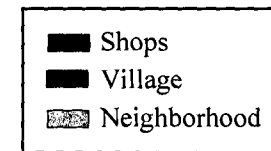
THE SHOPS – As designated on the Land Use plan, consists of Neighborhood Commercial (NC), Regional Commercial (RC) and Resort will require GED and Use Permit applications and be subject to Title 17 and NRS requirements. No residential development is allowed in The Shops unless allowed by a Minor Modification.

THE VILLAGE – As designated on the Land Use plan, consists of High Density Residential (HDR), Very High Density Residential (VHDR), and Mixed Use (MU). Single family detached homes are not allowed in zone districts RZ-25 and RZ-50 unless allowed through the above Minor Modification process.

THE NEIGHBORHOOD – As designated on the Land Use plan, consists of single family lots, Medium-Low Density Residential (MLDR), Medium Density Residential (MDR), and Medium-High Density Residential (MHDR).



WEST



EAST

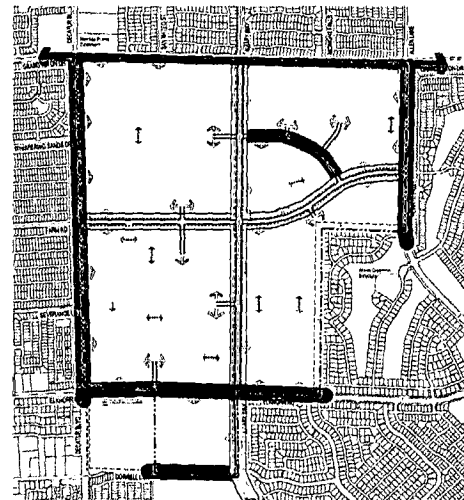
urbandesign
Carter+Burgess

CIRCULATION

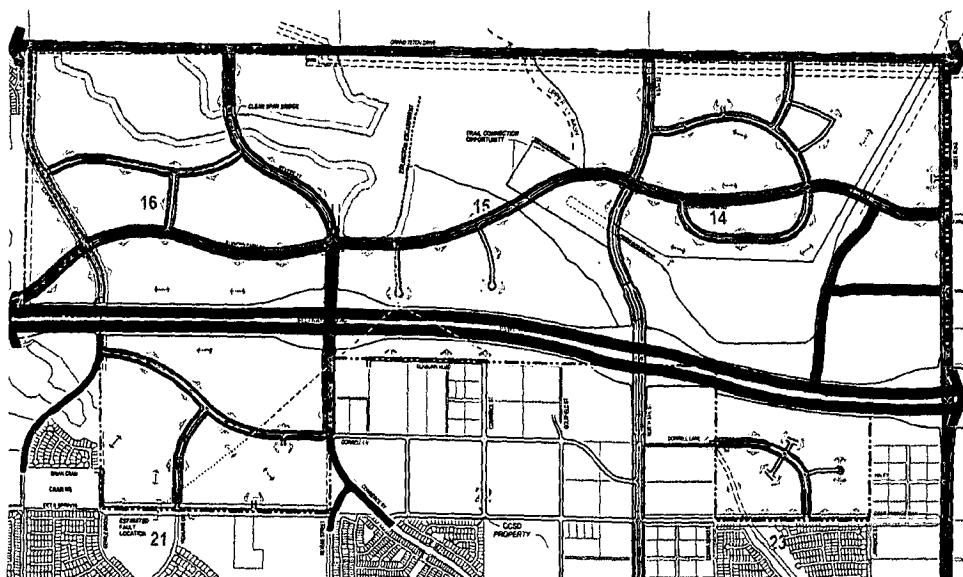
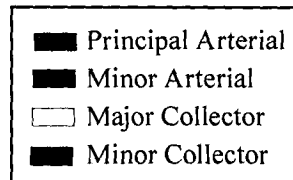
STREET NETWORK

The streets of Park Highlands shall provide a strong sense of place and contribute to the social life of the community. Park Highlands' street network is designed not only to move traffic, but also extend and enrich this new community's network of pedestrian Pathways and bike lanes. In addition, streets within Park Highlands are designed as pedestrian-friendly urban places promoting day and evening activity. Walkways that are detached from the curb at all Arterial and Collector streets in Park Highlands reinforce the importance of the pedestrian experience. Refer to pages 27-31 for Arterial and Collector street condition diagrams.

The purpose of this section is to provide guidelines for the intended design hierarchy of streets, streetscapes and intersection enhancements responsive to the type and character of adjacent land use. This will reflect a community experience as a connective sense of place. More specifically, the plan defines various street types within the new community. For additional details, refer to the Development Standards.



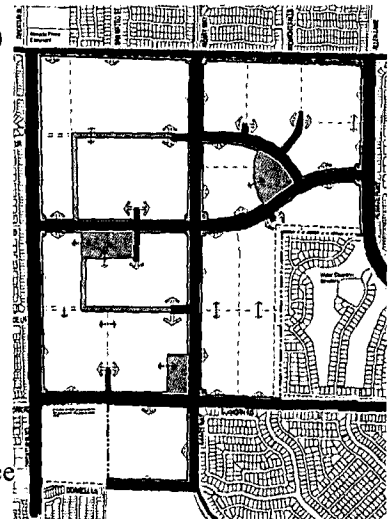
WEST



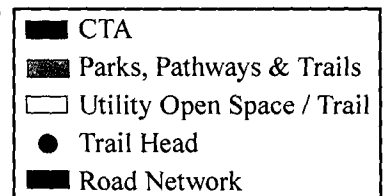
EAST

CTA, PUBLIC PARKS, PATHWAYS, TRAILS, UOS AND TRAIL HEADS

- The **CTA** (Conservation Transfer Area), also known as the “Preserve”, is approximately 300 acres. It will be left largely undeveloped and utilized as a significant natural amenity to the community. Housing two special plant species and paleontological resources, it will serve not only as a connector with trails to various parts of the community, but as a preserve and assist in public education. Access to the CTA will occur at the designated Trail Heads with the approved Land Plan and will comply with the requirements of the CTA Agreement. The developer has no obligation to build CTA trails, but will institute an educational program within the adjacent Trail Heads on the sensitivity of the preserve.
- **Public Parks** are larger destination parks that house amenities, including but not limited to, lighted sports fields and game courts and other specialized recreational facilities such as lighted picnic facilities, skate parks and playgrounds, dog parks, community gardens and spray parks. Special consideration has been given in locating the parks within the Master Planned Community, which range in size from 3.4 acres to 40 acres, to ensure equitable distribution throughout the entire community. Parks shall be required to be open on three sides, with either a street or view fence on each of these three sides.
- **Pathways** are linear areas located adjacent to arterial and collector streets, which consists of 5' concrete walkway on collector streets and 8' concrete walkway on arterial streets, landscaping on both sides of the walkway and Pathway amenities including but not limited to signage, benches, drinking fountains, dog stations and trash receptacles.
- **Trails** are the linear areas not adjacent to a street that may follow natural features such as washes, ridge lines, flood control facilities and utility rights of way. Trails consist of, but are not limited to, 12' concrete walkway, landscaping on both sides of the walkway and trail amenities such as signage, benches, recreational nodes, drinking fountains, dog stations and trash receptacles. The developer is to provide a study by a licensed professional engineer to demonstrate a safe at grade pedestrian crossing of Farm Road. The study must be approved by the City Manager. If not approved by the City Manager, a pedestrian tunnel (or bridge) will be built by the developer with a 50/50 cost sharing arrangement with CNLV.
- **UOS** (Utility Open Space) are areas designated for utility corridors that include open space / trail joint usage. Utility Open Space areas will include a 50' wide trail section to meet the trail requirements as shown below. Where necessary, UOS areas, exclusive of the 50' wide trail trail, at a minimum, will be re-vegetated back to it's natural state.
- **Trail Heads** are sites located at the start and end of trails and provide recreational amenities for public use. The Trail heads include parking areas, rest rooms, drinking fountains, picnic areas, recreational activities and directional and information signs.



WEST



EAST

COMMUNITY DESIGN

STREET TERMINI

In order to strengthen visual corridors, buildings in Park Highlands shall be massed and articulated to serve as terminuses to all primary streets. No surface parking or unarticulated building wall shall terminate any street corridor.

INTERSECTIONS

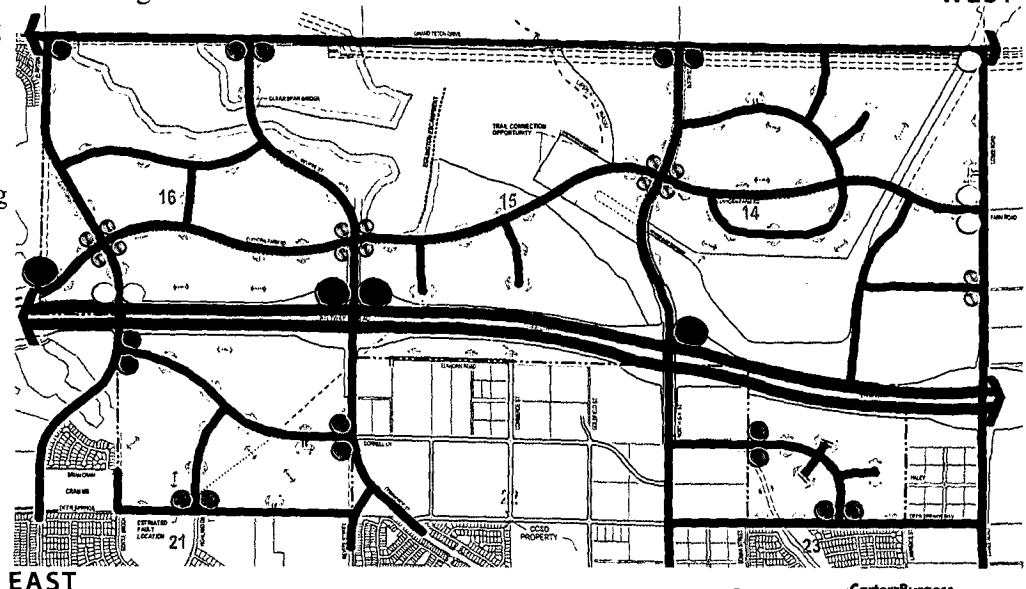
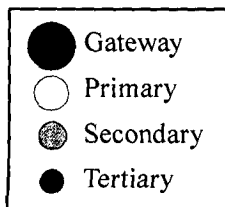
To reinforce an experiential transportation framework for both pedestrian and vehicular traffic in Park Highlands, special consideration should be given to design treatments at key intersections. Punctuation and accentuation at such crossroads offers Park Highlands traffic the chance to celebrate and engage in significant crossing nodes / points of entry, rather than simply pass through them. The design treatments of infrastructure elements in any development are decisive communicators of the overall development image, demonstrating success and thoughtful design vision to residents and patrons alike.

The following pages describe the treatments of each key intersections in Park Highlands. All elements of intersection design shall be reviewed and approved by the Architectural Review Committee (ARC) prior to submittal to the City of North Las Vegas.

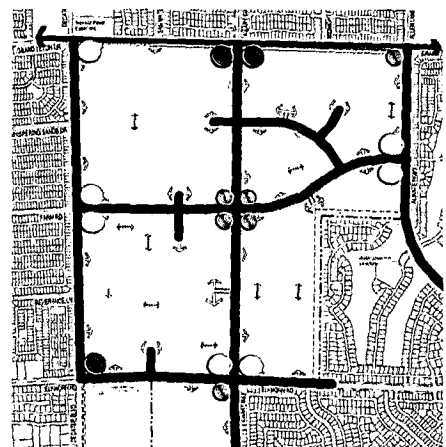
INTERSECTION MONUMENTATION

Monumentation identifies places of significance within a community. In order to promote a comprehensive sense of place throughout Park Highlands, the four types of monumentation – Gateway, Primary, Secondary and Tertiary – shall relate to each other in style and form. In addition, they shall adhere to the Design Guidelines and vision of Park Highlands. The following pages describe these minimum required monumentation points.

Enhancement diagrams on the following pages are shown on corners. See parcel diagrams on this page for actual corner utilization.



MODERN SPANISH ECLÉCTIC - STREET TERMINUS



WEST

BUILDING HEIGHT

OFFICE, RETAIL AND RESORT BUILDING

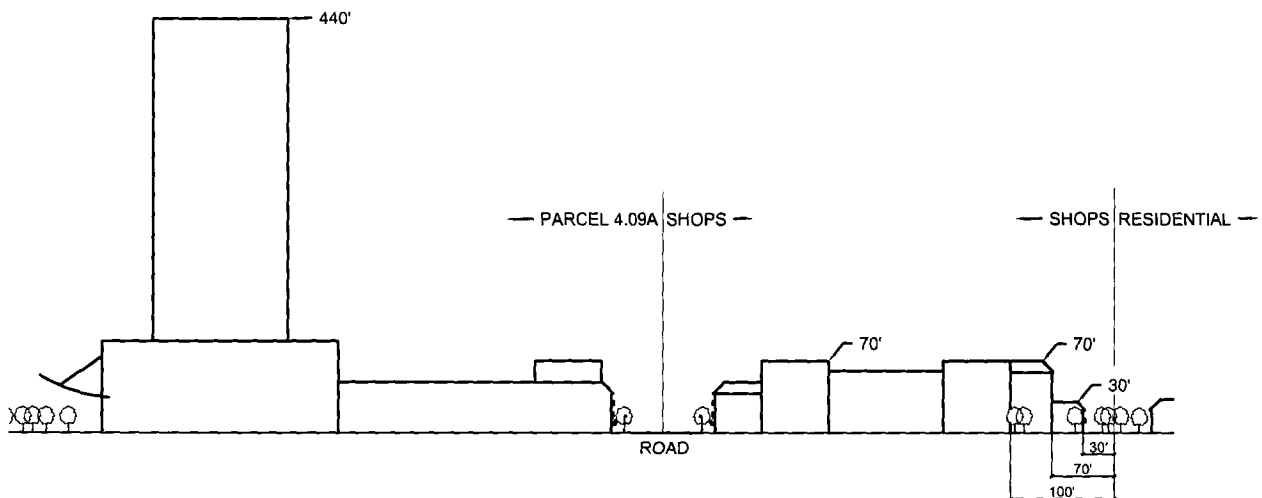
Heights in The Shops shall be 22' minimum to top of parapet or bottom of roof eave.

MAXIMUM BUILDING HEIGHT REQUIREMENTS

- Maximum building height measurements are as defined by the City of North Las Vegas.

THE SHOPS MAXIMUM BUILDING HEIGHT CRITERIA TABLE	
CRITERIA	ZONING: C1 (MPC) AND C2 (MPC)
MAIN STRUCTURE	70' TYPICAL PARCEL 4.09A OF LAND USE PLAN - 440' ADJACENT TO RESIDENTIAL - 70' WITH 1:1 SETBACK

SHOPS PARCEL / NEIGHBORHOOD HEIGHT DIAGRAM



BUILDING MASSING, SCALE & FORM

Box-like or single, monolithic forms that are not relieved by variations in massing of facades are not acceptable. The perceived height and bulk of buildings shall be reduced by dividing the building mass into smaller scale components. Buildings must incorporate jogs, offsets or other architectural features to reduce the visual length of long walls. Variety and/or variation of roof lines is required to reduce the apparent size of commercial buildings and provide visual interest. Building surfaces over two stories high or fifty (50) feet in length must be relieved with a change of wall plane that provides strong shadow and visual interest.

Perceived height and bulk can be reduced by dividing building mass into small scale components. A recessed courtyard is an effective way of dividing building mass into smaller parts.

Buildings shall be compatible with the scale of development allowed by the applicable land uses for the surrounding area as established at the time of application, and shall be sited and designed to provide a sensitive transition to nearby, less intensive, areas.

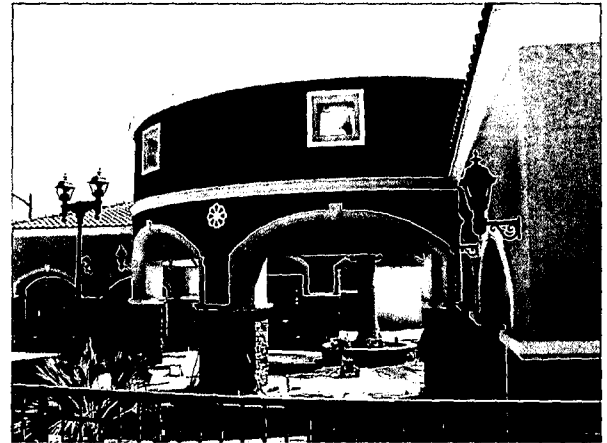
Projects on the edges of zoning districts shall be developed in a manner which minimizes the adverse impacts resulting from incongruous height, bulk and scale of large buildings. Alternatives to mitigate such impacts include, but are not limited to, careful siting and design, additional building setbacks or stepping back of upper floors, and the actual physical reduction of the height, bulk and scale of a project.

Stepping back upper floors is one method of reducing the negative impacts of incongruous height, bulk and scale of larger buildings.

If the parcel designated as RC 4.09A is developed with a casino, the aforementioned standards with respect to scale, massing and form may not be applicable as they could potentially impact the expression and creativity of the design. Therefore, while meeting the architectural character, the final design will occur through the City site plan review process.



MODERN MISSION



MODERN MEDITERRANEAN


CITY OF NORTH LAS VEGAS
INTEROFFICE MEMORANDUM

To: Gregory Rose, City Manager

From: Frank Fiori, Acting Planning and Zoning Director

Subject: Park Highlands April 11, 2008 Minor/
Major Modification Request

Date: April 24, 2008


Maryann Ustick,
Asst. City Mgr.

The developer of the Park Highlands master planned community has requested a Major Modification under Section 2.06 of the Development Agreement. The request will decrease land designated for Medium Low Density Residential (MLDR), Medium High Density Residential (MHDR), and Mixed Use (MU), and increase land designated for parks, Public/Semi Public, Regional Commercial w/Resort and Regional Commercial.

The changes are located along the eastern edge of Park Highlands between Losee Road and the detention basin. Please see the summary explanation and table of land use changes below and the attached Land Use Comparison - Resort Area map.

Summary Explanation:

1. Parcel 3.14 will remain the same, except that the land use designation will change from Medium Low Density Residential to Medium Density Residential
2. Parcel 4.04 will be reduced in size due to a boundary adjustment between Parcel 4.04 and Parcel 4.05.
3. Parcel 4.05 will be reduced in size with some of the property going to Parcel 4.08 and Parcel 4.09A. The Parcel will also incorporate some acreage from Parcel 4.04 from a boundary adjustment.
4. Parcel 4.06 will be enlarged and the boundaries will be adjusted. There will be no loss of park acreage due to the boundary adjustment.
5. Parcel 4.07 will be eliminated and merged with Parcels 4.06, 4.08, and 4.10.
6. Parcel 4.08 will be enlarged and the land use designation will change from Medium High Density Residential to Regional Commercial.
7. Parcel 4.09 will be divided into two planning parcels, 4.09A and 4.09B. 4.09A will be 67.5 acres and is the site designated for a possible casino resort. 4.09B is a remnant parcel that will be re-designated as Regional Commercial. Any specific casino will require subsequent applications for consideration.

8. Parcel 4.10 will be enlarged with a portion of former Parcel 4.07, and will still be the site of a future Post Office.

Summary Table of Land Use Changes

Existing Parcel (Acreage)	Existing Land Use Designation	Proposed Parcel (Acreage)	Proposed Land Use Designation
3.14 (19.5 Ac)	MLDR (Medium-Low Density Residential)	3.14 (19.5 Ac)	MDR (Medium Density Residential)
4.04 (38.7 Ac)	MHDR (Medium-High Density Residential)	4.04 (26.7 Ac)	MHDR (Medium- High Density Residential)
4.05 (28.2 Ac)	MHDR (Medium-High Density Residential)	4.05 (15.9 Ac)	MHDR (Medium-High Density Residential)
4.06 (3.4 Ac)	P (Parks)	4.06 (3.7 Ac)	P (Parks)
4.07 (13.7 Ac)	MU (Mixed Use)	To be eliminated, will be merged into 4.06, 4.08, and 4.10	P (Parks), RC (Regional Commercial), & PF (Public Facility)
4.08 (28.9 Ac)	MHDR (Medium-High Density Residential)	4.08 (51.8 Ac)	RC (Regional Commercial)
4.09 (56.2 Ac)	RC w/Resort (Regional Commercial with Resort Overlay)	4.09A (67.5 Ac)	RC w/Resort (Regional Commercial with Resort Overlay)
		4.09B (2.3 Ac)	RC (Regional Commercial)
4.10 (3.8 Ac)	PF (Public Facility)	4.10 (4.3 Ac)	PF (Public Facility)

November 2005 Land Investors, LLC and DRHI have also requested several minor text amendments to the May 3, 2006 Development Agreement, the Development Standards, and Design Guidelines. These text amendments would conform the above previously approved documents to the requested land use map changes. Under normal circumstances, these text amendments could be performed under the Minor Modification process. However, since they are inextricably linked to the Major Modification, they have been included.

Amendments to the Development Agreement:

1. Amend Section 2.11(a) Permitted Uses to change the permitted uses for Parcel 4.07 to Parcel 4.08 since Parcel 4.07 will no longer be on the land use plan.
2. Amend Section 2.11(a) Permitted Uses to change the permitted uses for Parcel 4.09 to Parcel 4.09A. No additional uses will be added to the table for newly created Parcel 4.09B.
3. Amend the Land Use Plan for the East Parcel in the Development Agreement as shown in the attached land use plan and as detailed below.

Amendment to the Development Standards:

1. Replace the land use plan map for the (L02) East Parcel of Park Highlands with a new land use plan.
2. Any References to Parcel 4.09 be changed to Parcel 4.09A.
3. Any References to Parcel 4.07 be changed to Parcel 4.08.

Amendments to the Design Guidelines:

1. Page 12: Amend the Parcel Areas exhibit to change the areas designated for The Shops, The Village, and The Neighborhood to be consistent with the revised land use plan.
2. Page 23: Amend the East Parcel circulation map to reflect the realignment of Collette Street and Severance Lane and new development parcel boundaries.
3. Page 33: Amend the East Parcel parks and recreation map to reflect the revision to Parcel 4.06 and the new street alignments.
4. Page 35: Amend the East Parcel community design map to reflect the changed street alignments.
5. Page 56: Amend The Shops Maximum Building Height Criteria Table to change Parcel 4.09 to Parcel 4.09A.
6. Page 57: Amend the first line of the last paragraph under Building Massing, Scale & Form to change Parcel 4.09 to Parcel 4.09A.
7. Any other references to Parcel 4.09 be changed to Parcel 4.09A
8. Any other references to Parcel 4.07 be changed to Parcel 4.08.

RECOMMENDATION:

The Planning and Zoning Department recommends approval of the Major Modification to the Park Highlands Development Agreement, Development Standards and Design Guidelines with the following Conditions of approval:

Public Works:

1. A master transportation plan update with modeling containing 20-year projections will be required prior to submittal of the civil improvement plans for the eastern Park Highland's 2074 acre parcel.

2. Approval of a conceptual drainage study update is required prior to submittal of the technical drainage studies or civil improvement plans for the eastern Park Highland's 2074 acre parcel.

Utilities:

3. An update to the 2,074 Acre Site - Water Masterplan will be required to be submitted and approved prior to the submittal of infrastructure and/or civil improvement plans.
4. An to the update 2,074 Acre Site - Wastewater Masterplan will be required to be submitted and approved prior to the submittal of infrastructure and/or civil improvement plans.

**KUMMER
KAEMPFER****KUMMER KAEMPFER BONNER
RENSHAW & FERRARIO**

ATTORNEYS AT LAW

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Tel: 775.884.8300
Fax: 775.882.0257

April 23, 2008

VIA HAND DELIVERYGregory Rose
CITY MANAGER
CITY OF NORTH LAS VEGAS
2200 Civic Center Dr.
N. Las Vegas, NV 89030**Re: Park Highlands
Request for Major Modification - REVISED**

Dear Mr. Rose:

On behalf of Park Highlands, we are respectfully requesting a Major Modification pursuant to Section 2.06 of the Development Agreement.

We have attached two exhibits to aid in your review of these applications. The first exhibit shows the changes to the land use plan for the East Parcel. Please see **Exhibit "1."** The second exhibit is a blown up section of the East Parcel that identifies the proposed changes. Please see **Exhibit "2."** **Exhibit "2"** also provides a comparison between the current land use plan for the East Parcel and the proposed land use plan for the East Parcel.

Below is a list of major modifications:

PARCEL	FROM	TO
3.14	MLDR	MDR
4.05	MHDR	RC with Resort
4.05	MHDR	RC
4.05	MHDR	P
4.06	P	RC
4.07	MU	RC



4.07	MU	P
4.08	MHDR	RC
4.09	RC with Resort	RC
4.09B	RC with Resort	RC
4.10	MU	P

These requested modifications correspond with zone change and other applications that were filed with the City of North Las Vegas Planning & Zoning Department on Thursday, April 10, 2008.

All of the proposed changes are located within the eastern area of the East Parcel of Park Highlands. These changes will facilitate a synergy that promotes a "town center" atmosphere between Parcel 4.08 and Parcel 4.09A. More specifically, we have increased the acreage of Parcel 4.08 from 28.9 acres to 51.8 acres which encompasses a portion of acreage from Parcel 4.05 that was previously master planned as MHDR. This acreage increase will allow for a larger retail core with the possibility of office and other uses. Additionally, these changes will further goals desired by the City of North Las Vegas which include attracting commercial projects so residents do not have to travel great distances for commercial services and providing employment opportunities.

Based upon the requested changes to the land use plan for the East Parcel as indicated below, we are requesting that the permitted use chart in Section 2.11(a) of the Development Agreement be amended as follows:

- Parcel 4.07 should be amended to reflect Parcel 4.08.
- Parcel 4.09 should be amended to reflect Parcel 4.09A.

Furthermore, based upon the Major Modification request, we are also requesting that the Development Standards & Design Guidelines for Park Highlands be amended as follows:

- All references to Parcel 4.07 should be amended to reflect Parcel 4.08.
- All references to Parcel 4.09 should be amended to reflect Parcel 4.09A.
- Any corresponding figures, charts or maps shall also be amended accordingly.

KUMMER

KAEMPFER

City Manager
City of North Las Vegas
April 23, 2008
Page 3

Although these changes would normally be processed as a Minor Modification, we understand that these changes are contingent upon approval of the Major Modification request. Therefore, in order to avoid submitting two separate modification requests, we have agreed to request all changes as a Major Modification.

The corresponding land use applications will be heard by the North Las Vegas Planning Commission on May 28, 2008. We respectfully request that the Major Modification requested herein be approved prior to that date.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KUMMER KAEMPFER BONNER RENSHAW & FERRARIO



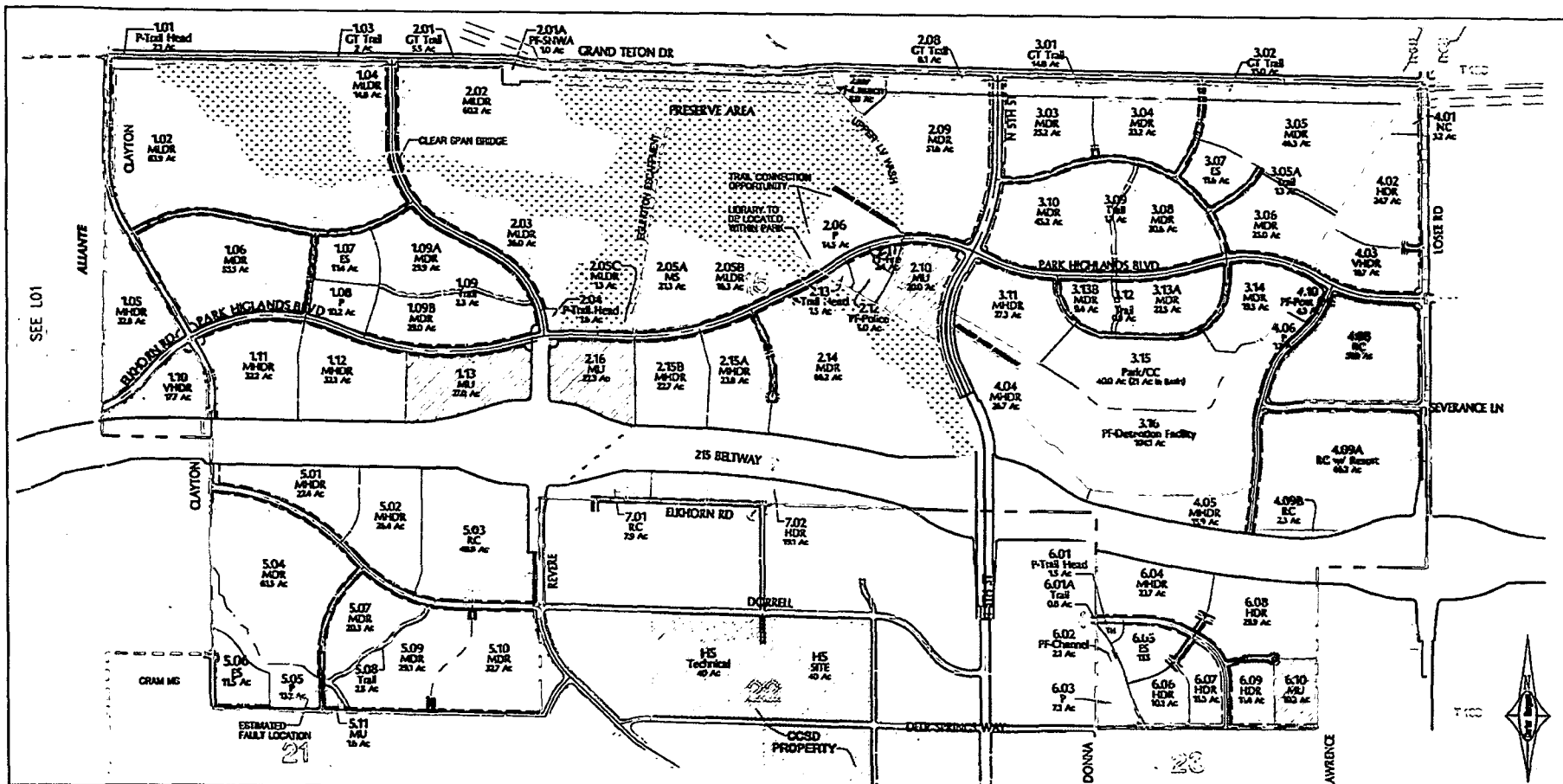
Jennifer Lazovich

JJL/dmf

Encl.

cc: Chris Armstrong (via email)
Blake Cumbers (via email)
Bob Gronauer (via email)
Carie Torrence (via email)
Nick Vaskov (via email)
Kirk Bogan (via email)
Jeremy Davis (via email)

EXHIBIT “1”



2,675-ACRE MASTER-PLANNED COMMUNITY

NOVEMBER 2005 LAND INVESTORS, LLC/ D R H I, INC

LEGEND

- BLM AUCTION BOUNDARY
- DETENTION BASIN
- PRESERVE AREA
- PRESERVE BOUNDARY
- PRESERVE BOUNDARY W/ RESTRICTIONS

- SF LOTS W/ VIEW FENCE, MINIMUM SIZE
- MLD: MEDIUM/LOW DENSITY (UP TO 6 DU/AC)
- MD: MEDIUM DENSITY (UP TO 10 DU/AC)
- MH: MEDIUM/HIGH DENSITY (UP TO 15 DU/AC)
- HD: HIGH DENSITY (UP TO 25 DU/AC)
- VHD: HIGH DENSITY (UP TO 50 DU/AC)

- MZ: MIXED USE (UP TO 50 DU/AC)
- NC: NEIGHBORHOOD COMMERCIAL
- RC: REGIONAL COMMERCIAL
- REGIONAL COMMERCIAL W/ RESORT OVERLAY
- PF: PUBLIC FACILITY (E.G. POLICE, FIRE, POST OFFICE, CHURCH, UTILITIES)
- SCHOOL: ES - ELEMENTARY MS - MIDDLE

- P: PARKS NEIGHBORHOOD, COMMUNITY, SUB, TRAILHEAD
- GRAND TETON TRAIL CORRIDOR
- TRAIL CORRIDOR
- STREETScape BUFFER (PATHWAYS, INCLUDES SIDEWALK)
- MONUMENT AREA
- PROPOSED ENTRY
- PROPOSED NEIGHBORHOOD OR PEDESTRIAN CONNECTION

- TRAIL, CONCEPTUAL
- ELKHORN ESCARPMENT
- FAULT
- ESTIMATED FAULT LOCATION

DATA LOCATIONS PROVIDED BY OMIG CONSULTING, INC.

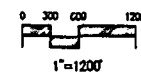
NOTE: AREAS ARE GROSS ACRES

Carter Burgess

Consultants in Planning, Engineering,
Construction Management, and Related Services
6000 Rembrandt Road
Las Vegas, Nevada 89120
702 938-6400 Fax 702 938-6564

ALABAMA BOUNDARY

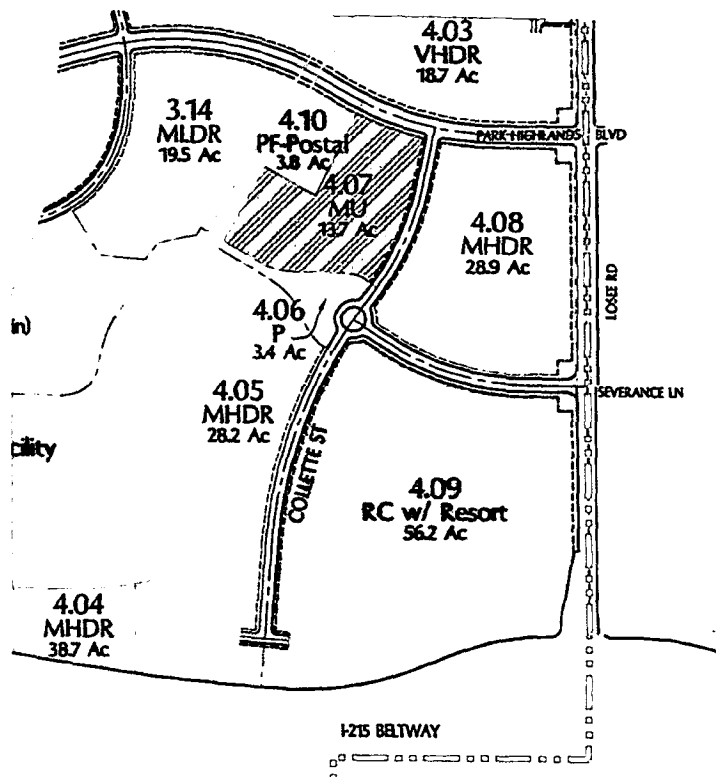
LAND USE CONCEPT EAST PARCEL



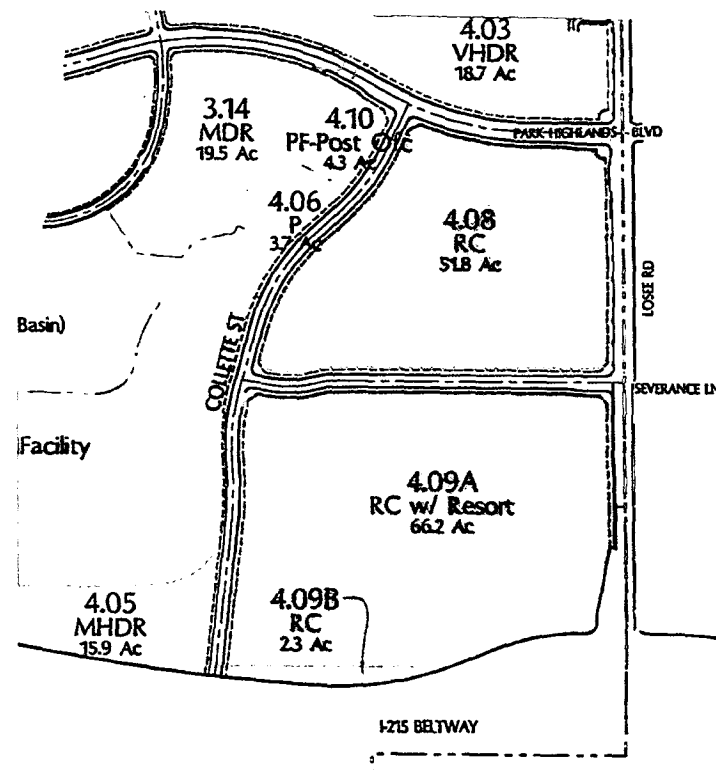
March 31, 2006
(Revised March 2006)

FIGURE
L02

EXHIBIT “2”

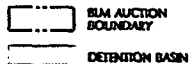


CURRENT LAND USE PLAN - EAST PARCEL



PROPOSED LAND USE PLAN - EAST PARCEL

LEGEND



MDR: MEDIUM DENSITY
(UP TO 10 DU/AC)
MHDR: MEDIUM-HIGH
DENSITY (UP TO 15 DU/AC)

MU: MIXED USE
(UP TO 50 DU/AC)
VHDR: HIGH DENSITY
(UP TO 50 DU/AC)

RC: REGIONAL
COMMERCIAL
REGIONAL COMMERCIAL
W/ RESORT OVERLAY

PF: PUBLIC FACILITY
(E.G. POLICE, FIRE, POST OFFICE,
CHILDREN UTILITIES)
SCHOOL: ES - ELEMENTARY
MS - MIDDLE

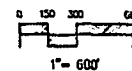
P: PARKS (NEIGHBORHOOD,
COMMUNITY, STATE, TRAILHEAD)
STREETSCAPE BUFFER
(PATHWAYS, INCLUDES SIDEWALK)

SHEET 1 OF 2



PARK HIGHLANDS
LAND USE PLAN COMPARISON - RESORT AREA

APRIL 2008



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Las Vegas, NV 89119
(702) 938-5400
Fax (702) 938-5454